IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 1696 of 2005

Between:

J. Ushanaiah, S/o. Narasimha,
Kudikilla Gram Panchayat, Kollapur Mandal, Mahaboobnagar District.

..... PETITIONER

AND

1 The District Collector, (Panchayat Wing), Mahaboobnagar District, at Mahaboobnagar.
2 The Divisional Panchayat Officer, Nagarkurnool, Mahaboobnagar District.
3 The Mandal Parishad Development Officer, Kollapur, Mahaboobnagar District.
4 The Mandal Revenue Officer, Kollapur Mandal, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent in issuing proceedings No.A2/1069/2003-A6-1 dt. 05.01.2005 suspending the petitioner from the post of Sarpanch of Kudikilla Gram Panchayat, Kollapur Mandal, Mahaboobnagar District as bad, arbitrary, illegal and violation of principles of natural justice and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No.1696 of 2005

ORDER:

Admittedly against the impugned order dated 05.01.2005 passed under Section 249 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short, 'the Act'), a Revision is maintainable under Section 264 of the Act. Without exhausting the said alternative remedy, the petitioner cannot maintain this writ petition.

Accordingly, granting leave and liberty, the writ petition is disposed of. However, having regard to the facts and circumstances of the case, there shall be a direction that the impugned proceedings shall not be given effect to for a period of two weeks from today. No order as to costs.

09-02-2005

Note:

C.C.by tomorrow.

(By Order)

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Copy to:

1. The District Collector, (Panchayat Wing),

   Mahaboobnagar District, at Mahaboobnagar.

2. The Divisional Panchayat Officer, Nagarkurnool,

   Mahaboobnagar District.

3. The Mandal Parishad Development Officer,

   Kollapur, Mahaboobnagar District.

4. The Mandal Revenue Officer, Kallapur Mandal,

   Mahaboobnagar District.

5. Two C.Cs to the Government Pleader for Panchayat Raj and

   Rural Development, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)

6. Two C.D.Copies.